

REMARKS

Claims 1 and 8 are amended. Claims 1 and 8 are pending in the application.

Claims 1 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kross (U.S. Patent No. 6664301). A proper obviousness rejection requires, *inter alia*, that the references teach or suggest all the claim limitations. Claims 1 and 8 are allowable over Kross for at least the reason that cross fails to disclose or suggest each and every element in either of those claims.

As amended, independent claim 1 recites a hydrogel composition comprising 1-10% of functional additive being selected from the group consisting of methylparaben, propylparaben, kojic acid, imidazolidinylurea, Twin 80 and retinol. Kross does not disclose or suggest any of the recited group of functional additive. Nor does Kross disclose or suggest any hydrogel containing 1-10% of these recited additives. Accordingly, claim 1 is not rendered obvious by Kross and is allowable over this reference.

As amended, independent claim 8 recites a method of producing a hydrogel composition including mixing 1-10% of functional additive selected from the group consisting of methylparaben, propylparaben, kojic acid, imidazolidinylurea, Twin 80 and retinol. Independent claim 8 is allowable over Kross for at least reasons similar to those set forth with respect to independent claim 1.

Applicant further notes with respect to claims 1 and 8 that, as set for in the specification at page 8, lines 14-28 and page 11, lines 16-20, the ingredients of the hydrogel must be included in the claimed proportions in order for the hydrogel to transform into a fluid state at body temperature. There is no evidence in Kross that Kross has achieved a hydrogel that transforms into a fluid state at body temperature. Nor does Kross indicate the range of the recited functional additive recited in claims 1 and 8. Accordingly, there is no evidence that the compositions of Kross are capable of transforming as asserted by the Examiner in the present Action. Accordingly, claims 1 and 8 are additionally allowable for at least this reason.

For the reasons discussed above, claims 1 and 8 are allowable. Accordingly, applicant respectfully requests formal allowance of claims 1 and 8 in the Examiner's next action.

Respectfully submitted,

Dated: September 17, 2009

By: Jennifer J. Taylor
Jennifer J. Taylor
Reg. No. 48711